

## Tiered Registration FAQ's

### **1. What is tiered registration?**

Currently California requires individuals convicted for sexual offenses to register with the local police stations for their lifetime. In 2017 SB384 passed, and began the process of changing lifetime registration to a three tiered system. This means, that depending on several factors, including type of offense, risk scores and other criteria (included in PC 290 – the penal code that defines and governs registered sex offenders), adults, who meet registration requirements, may be required to register for 10 years (Tier One), 20 years (Tier 2), or lifetime (Tier 3); and juveniles convicted (adjudicated) for a sexual offense, who meet registration requirements may be required to register for 5 years (Tier One) or 10 years (Tier 2). Some repeat sexual offenders and those at a high risk for committing a new sexual offense will be placed on the lifetime tier.

### **2. Is it safe for the community?**

Lifetime registration for all individuals who have committed a sexual offense does not promote community safety. Research tells us that risk for committing a new sexual offense goes down the longer an offender is in the community without any new offenses. After 20 years in the community with no new offenses, even the highest risk sex offender is at a much lower rate to sexually offend again. With more than 100,000 sexual offenders currently registered in the state of California, it is difficult for someone using Megan's Law website to know which offenders pose the greatest threat to community safety. The transition to a tiered registration system will allow for a decrease in the number of offenders on the registry, allowing for a more focused search of individuals.

### **3. When does tiered registration start?**

The new tiered registration system will go into effect on January 1, 2021.

### **4. How do you know which tier an individual will be assigned to?**

For individuals currently on the registry, the California Department of Justice will look at all of the factors involved and determine which tier the registrant will be placed on. After January 1, 2021, the registrant can request a tiered notification letter, which will indicate their tier, from the registering agency. An individual may be placed on a "to be decided" status, if needed. Once the tier is determined, the registrants tier level will be displayed on Megan's Law website after January 1, 2022. For individuals convicted of a sexual offense that qualifies for registration after January 1, 2021, the court that sentences the individual will notify them of their tier level.

**5. Will registrants automatically be removed from the registry?**

No. Tier One and Tier Two registrants will need to petition the superior court in the county where they live after they have met the minimum requirements for petitioning. If the registrant has met the minimum requirements, then they can submit a petition starting July 1, 2021. Registrants may contact the public defender or a private attorney in the county or jurisdiction of residence for additional legal assistance in filing a petition.

**6. Do registrants need to continue to register today?**

The current lifetime registration is still required. The registrant is required to continue to register until they petition the court and receive the court order that allows them to stop registering.

**7. How is time on the tier calculated?**

Only time in the community counts toward the registrant’s time on the tier. This means that if a registrant is incarcerated for any new offense, then that time does not count. For example if a registrant is incarcerated for 1 year, and they were on the 10 year tier, then they would need an additional year in the community before they could petition the court.

**8. Where can I find more information about California’s tiered registration system?**

The California Department of Justice has a detailed [FAQ](https://oag.ca.gov/sites/all/files/agweb/pdfs/csor/registrant-faqs.pdf) posted on their website. Additional information will be provided to both the Public Defender and District Attorney’s office in 2020. <https://oag.ca.gov/sites/all/files/agweb/pdfs/csor/registrant-faqs.pdf>

